

Senate Commerce, Labor & Agriculture Committee Amendment NO. 1

Amendment No. 1 to HB3220

**West
Signature of Sponsor**

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Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 3219

House Bill No. 3220*

by deleting in subsection (a)(1) of Section 1 of the printed bill, the phrase "or a pharmacy benefit management organization", and substituting therefore the phrase "preferred provider organization, pharmacy benefit management organization, or other network providing health benefits".

AND FURTHER AMEND by adding, after the first sentence of subsection (b) of Section 1 of the printed bill, the following sentence:

Such civil penalty shall only be levied by the department of commerce and insurance after a hearing, conducted pursuant to the Uniform Administrative Procedures Act, codified at Tennessee Code Annotated, Title 4, Chapter 5.

AND FURTHER AMEND by adding a new Section 3 to the printed bill to read as follows:

SECTION 3. The provisions of this act shall only take effect to the extent permitted by federal law (including, but not limited to, the Employee Retirement Income Security Act of 1974 (ERISA)) and to the extent that any necessary approvals under the federal waiver for TennCare (or a successor entity or program) have been secured from the federal Health Care Financing Administration.

AND FURTHER AMEND by adding a new Section 4 to the printed bill to read as follows:

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

AND FURTHER AMEND by renumbering the effective date section accordingly, so that the current Section 3 becomes Section 5.

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AND FURTHER AMEND by adding the following language to Section 1 of the bill and designating it as subsection (d):

(d) Nothing in this section shall be construed to prohibit an insurer, a hospital and medical service corporation, a health maintenance organization or an employer from sharing or using consumer information with its affiliates, subsidiaries, agents or joint venture partners, provided that the information is used solely for bona fide business purposes, or for activities consistent with Title 56 of the Tennessee Code Annotated, including, but not limited to, data processing, utilization review, underwriting, claims and anti-fraud purposes.

AND FURTHER AMEND by deleting the language ", sell or give away" after the words "to market" and before the words "information regarding" in the first sentence of the amendatory language of Section 1(a)(1) and by inserting instead the words "or sell" ; and by adding the following at the end of Section 1(a)(1) after the words "audit purposes " and before the punctuation (.):

, not to information for which the patient, enrollee or insured has executed a voluntary waiver or release

AND FURTHER AMEND by deleting the language ", sell or give away" after the words "to market" and before the words "medical information" in the first sentence of the amendatory language of Section 2(a) and by inserting instead the words "or sell".

AND FURTHER AMEND by adding the following at the end of Section 2(a):

This section shall not apply to information for which the employee or family member has executed a voluntary waiver or release.